With the passage of the FAST Act by Congress in late 2015, states have some of the long-term certainty they have long sought in the federal transportation program. But can a mostly status quo, five-year transportation bill help states make up for years of inadequate investment in the nation’s infrastructure. More than likely, more than a few will still feel compelled to follow in the footsteps of eight states that raised gas taxes in 2015. Some may also turn to tolling and public-private partnerships to help fund projects, although those tools in the toolbox have seen increasing scrutiny and criticism in some parts of the country. State officials face a variety of other challenges as well including how to plan for the technological and demographic changes that could radically alter the transportation landscape in the years ahead and how to deploy and enhance the kinds of transportation options that will make communities into livable, sustainable, economically vital places. Here are my top five transportation issues for 2016 along with more than 500 links to resources from CSG and a variety of other sources where you can read more.

Federal Funding Uncertainty and Underinvestment in Infrastructure

As 2015 wound down, Congress gave states something they had asked for since 2009—long-term legislation to authorize and fund federal transportation programs. But while the Fixing America’s Surface Transportation Act, or the FAST Act, will give states the greater certainty about federal transportation funding levels they haven’t had, which may give them greater confidence to authorize investment in long-term transportation projects, it mostly maintains a status quo many say has been inadequate for many years. With no significant increases in funding, no new revenues identified to sustain the Highway Trust Fund long term and little in the way of transformational policy changes, the bill appears likely to challenge states anew to address their backlogs of deferred maintenance and delayed projects and to meet future needs.

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States Explore Transportation Revenue Options

Eight states—Georgia, Idaho, Iowa, Michigan, Nebraska, South Dakota, Utah and Washington—raised their gas taxes in 2015. Two other states—Kentucky and North Carolina—made adjustments to their gas tax mechanisms to make revenues more reliable. Delaware meanwhile enacted legislation to
raise several vehicle and license fees in order to fund road repair and maintenance. And states such as Maine and Texas approved ballot measures that will result in more money going to transportation. In 2013, six states produced major transportation revenue packages.

But a large number of states also could join the club in 2016, particularly if states that have come close to passing revenue-raising legislation or examined revenue options in recent years move forward. Gas tax increases are at least in the conversation in Alabama, Colorado, Indiana, Mississippi, Missouri, South Carolina and Wisconsin ahead of 2016 legislative sessions. And while such increases have been declared all but dead for this year in Minnesota and Tennessee, lawmakers in those states could be poised to consider other transportation funding options. Meanwhile, tolling is getting a close look from policymakers in Connecticut, Indiana, Missouri, New Hampshire, Rhode Island, West Virginia and Wisconsin. And Connecticut and Louisiana are among the states looking at constitutional protections for transportation revenues. Maryland and Wisconsin both approved such lockboxes in 2014 to prevent the use of transportation funds to fill other budget holes.

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Cloudy Future for Tolling and Public-Private Partnerships

It has been a transitional couple of years for public-private partnerships--also known as P3s--and tolling. Despite the successful closing of P3 deals on key projects in a handful of states, the flow of such deals remains erratic in the U.S., experts say, due to a variety of factors including: political turnover in governorships, a continuing P3 knowledge gap among state officials, the lack of uniformity among state P3 laws, the ballooning costs of some projects, and the increasing complexity of P3 projects and processes. And while states such as Connecticut, Indiana, Missouri, New Hampshire, Rhode Island, West Virginia and Wisconsin point to tolling as a possible solution to their transportation funding needs, anti-toll forces in Texas, North Carolina and elsewhere have made their voices heard and prompted a reassessment of tolling on some projects.

Many believe there is still much untapped potential, untapped capital and untapped innovation in P3s. Virginia, which has used public-private partnerships on a number of high-profile transportation projects, adopted new rules to tighten state oversight of P3s. But the effort to build the Midtown Tunnel project in Norfolk as a P3 has been fraught with challenges, including an escalating price tag. Some wonder whether that experience could cloud a P3 project to widen Interstate 66 outside the Capital Beltway.

In Maryland, Gov. Larry Hogan in 2015 nixed building a new transit line in Baltimore, scaled back plans for the Purple Line P3 light rail project connecting Montgomery and Prince George’s counties
and moved to reduce tolls on the state’s bridges, tunnels and toll roads in the name of tax relief, as he promised to do in his 2014 campaign.

Texas, which has used managed lanes and tolling to deal with a burgeoning population, has seen a populist anti-toll backlash supported by Gov. Greg Abbott and Lt. Gov. Dan Patrick. A ballot measure approved in November, which diverted some state sales tax revenues to transportation and which was billed as an effort to alleviate congestion by building new roads, included a provision that requires the money to be spent on non-toll roads. But Texas’ largest public-private partnership—the $2.6 billion LBJ Express highway reconstruction project in Dallas—opened three months ahead of schedule in October 2014 and is touted by state officials as the “future of infrastructure development.” The project was financed through a combination of private activity bonds, investor funds, a U.S. Department of Transportation loan and Texas Department of Transportation funds.

In California, Gov. Jerry Brown signed legislation authorizing the California Department of Transportation and regional transportation agencies to develop, finance, operate and maintain high-occupancy toll lanes, with no limit as to number of projects or time frame.

Rhode Island Gov. Gina Raimondo has proposed tolling large commercial trucks on some of the state’s bridges and using the toll revenues to back bonds to fund road and bridge projects. But some lawmakers want a constitutional amendment to prevent the future extension of tolls to passenger vehicles.

North Carolina has signed a 50-year contract with Cintra to design, build and operate toll lanes on I-77 but some in the state are still taking issue with the project and anti-toll forces claimed credit for ousting the mayor of Huntersville and two city commissioners in the 2015 election.

Arizona is moving forward with the $1.9 billion South Mountain Freeway Project, the first highway project procured under the state’s P3 statute.

The cash-strapped Missouri Department of Transportation hired a new director, Patrick McKenna, who has said toll roads will be part of the conversation for funding road construction in the state, as they are in the state he most recently came from—New Hampshire.

Following the success of the U.S. 36 express lanes project, the head of Colorado’s P3 office Michael Cheroutes stepped down and was replaced by David Spector, a legal counsel to Gov. John Hickenlooper.

In 2014, the Obama administration directed federal agencies to encourage more public-private collaboration on infrastructure projects. A special Congressional panel also weighed in on encouraging more collaboration. The U.S. Department of Transportation is pledging to be more aggressive in reaching out to states and the private sector in 2016 and in examining which projects move forward. But the TIFIA (Transportation Infrastructure Finance and Innovation Act) financing program, which helped enable many P3s in recent years was cut by 80 percent in the federal transportation bill. And while some had hoped the federal legislation would allow states to expand tolling including on existing interstates, a provision in the bill would actually make it more difficult for states to add tolls by requiring them to approve legislation prior to participating in a federal pilot program for tolling expansion.

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**Impacts of Technology and Trends on Planning and Policy**

From the current insurance and regulatory concerns presented by rideshare companies like Uber and Lyft to the even more complex issues presented by the promise of driverless cars that communicate with the transportation infrastructure, state policymakers and planners will have their work cut out for them as they seek to stay one step ahead of technology, population growth, demographic shifts, increasing freight volumes, generational preferences and other factors that are reshaping the transportation landscape.
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For more information on these topics and for additional resources on transportation policy, see www.csg.org/top5in2016 [592].

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